

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER No.120 of 2006

Bharatamurthy Jagannathan & ors; .. Appellants

versus

Bharat Apartment Co-op Housing

Society & ors. .. Respondents

...

Mr.G.S. Godbole for the appellant.

Mr.Prashant Kulkarni i/b Zohair & Co. for the
respondent nos.1 and 2.

CORAM : D.G. KARNIK, J

DATED : 21st August 2006.

P.C.:

1. Heard learned counsel for the appellant and respondent nos.1 and 2. Respondent no.3 is a formal party being the Planning Authority. Though the notice of the appeal has been served on respondent no.3, it has not filed any appearance.

2. By consent of the appellant and respondent nos.1 and 2, the following order is passed :

O R D E R

i. Impugned order is set aside and it is substituted by the interim order passed by this court on 17th February 2006. The parties shall abide by the order passed by this Court on 17th February 2006 till the disposal of the suit.

ii. Hearing of the suit is expedited.

3. I am informed at the bar that issues have been framed and parties have been directed to adduce their evidence and the suit is posted tomorrow. The parties shall produce their evidence expeditiously and without seeking any unnecessary adjournments. The Court shall be entitled to reject any application for adjournments unless there is genuine and sufficient cause for granting the adjournment. The Court shall hear and decide the suit expeditiously and in any event within a period of six months from today.

4. Learned counsel for the appellant states that in view of the interim order, construction has already

been carried out. The appellant however shall not create any third party interest nor part with the possession of the newly constructed premises till the disposal of the suit and for a period of four weeks thereafter.

5. All contentions of the respective parties in the suit are kept open.

6. Authenticated copy allowed.

(D.G. KARNIK, J)